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April 10, 2006

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Secretary, FCC
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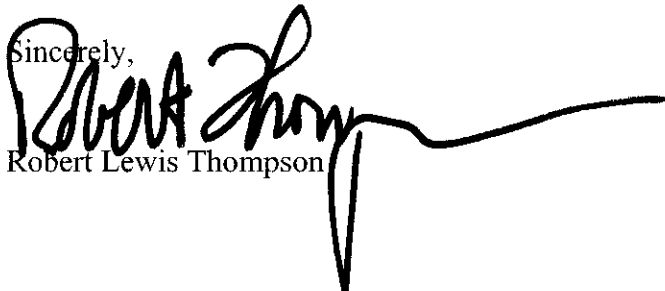
Federal Communications Commission
Office of Secretary

Re: Petition for Exemption and/or Waiver (Closed Captioning)
WGEN-TV-DT, Key West, FL
Sonia Licensed Subsidiary, LLC

Dear Madame Secretary:

This formally requests that the referenced "Petition for Exemption and/or Waiver," filed by Sonia Licensed Subsidiary, LLC ("Sonia"), on March 17, 2006, be dismissed as moot. Sonia is no longer the licensee of WGEN-TV.

Sincerely,


Robert Lewis Thompson

CC: Luis Monge (WGEN-TV Local Station File) (VIA E-mail)
William C. De La Pena, MD ("")
Charles Naftalin, Esq. ("")

Before the
Federal Communications Commission
Washington, DC 20554

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MAR 17 2006

In the Matter of

CLOSED CAPTIONING et al.

Petition for Waiver and/or Exemption

Sonia Licensed Subsidiary, LLC

WGEN-TV-DT, Key West, FL

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Federal Communications Commission
Office of Secretary

) CSR No. _____

To: Secretary

Attn: Amelia Brown, Media Bureau

PETITION FOR EXEMPTION AND/OR WAIVER

Sonia Licensed Subsidiary, LLC, licensee of WGEN-TV-DT, Key West, FL, respectfully submits this "Petition for Exemption from the FCC's Closed Captioning Rules" with respect to WGEN-TV-DT, Key West, FL ("WGEN-TV").¹

WGEN-TV, formerly an "infomercial" television station with an extremely limited audience reach, was acquired less than 24 months ago by the above-captioned LLC, which "re-launched" the Station in the 2004-2005 TV season with LIVE, prime-time LOCAL programming in Spanish. This ambitious "turnaround" effort has resulted in massive financial losses during each month since WGEN-TV was acquired, with Sonia having a net loss of nearly one-quarter million dollars in one seven-month period last year. In short, there is good cause for a grant of Sonia's requested exemption from the FCC's closed captioning rules.

¹Sonia Licensed Subsidiary, LLC is the wholly owned subsidiary of Sonia Broadcasting Co., LLC (collectively hereinafter known as "Sonia").

Discussion

The FCC recognizes that television stations that broadcast primarily in Spanish should be subject to **lesser closed captioning requirements** than the large majority of the nation's TV stations, which broadcast in the English language. For example, the FCC's rules and policies regarding the closed captioning of programming provide a much more lenient schedule for Spanish-language stations to comply with the FCC's closed captioning requirements than for the majority of TV stations, which broadcast in English. WGEN-TV has broadcast primarily in Spanish since the Station's programming was "re-launched" last TV Season. Thus, as a threshold matter, this Petition is entitled to special consideration because of the Station's predominately Spanish-language programming.

The FCC's rules provide for an exemption for TV stations that can demonstrate that compliance with the FCC's closed captioning requirements would impose an "undue burden" on them. See 47 CFR 79.1(f). While the FCC routinely considers four general factors in its determination of what constitutes an "undue burden" on a television licensee, the primary focus is on the financial condition of the licensee; indeed, three of the four factors involve financial considerations. See 79.1(f)(2)(i), (ii) and (iii). When these three "financial" factors -- and the fourth factor -- are considered in this case, it is clear that an exemption for WGEN-TV would best serve the public interest.

1. Just a few months after becoming its new licensee, Sonia "re-launched" WGEN-TV in the Fall of the 2004-2005 TV Season with innovative television, including LOCAL, PRIMETIME programming, primarily directed to the discussion of controversial issues of public importance. Moreover, these Primetime shows were in

Spanish, to serve the populous Spanish-speaking audience in South Florida. But, despite public acclaim and extensive media coverage about the “innovative” Station and its primetime local programming, WGEN-TV’s advertising sales have been slow to develop – an unfortunate but widely acknowledged problem for most Spanish-language broadcasters. Accordingly, Sonia’s financial losses have been substantially above predicted levels.

2. Bluntly stated, Sonia has suffered staggering financial losses since last Season’s “re-launch” of WGEN-TV. As detailed in a verified Profit & Loss statement attached to this Reply as Appendix A,² WGEN-TV incurred a net loss of \$246,296.81 during the first seven months of 2005. That loss excludes any charges for depreciation or amortization and it excludes any payments to LLC principals (of which there have been none). See Appendix A (Affidavit of Co-Trustee Robin De La Pena). Sonia has been forced to cancel one of its primetime local programs because of its massive financial losses. Sonia’s co-trustee confirms that the LLC is still working “overtime” to further reduce expenses and is forced to avoid “any significant new expense,” such as closed captioning equipment – “regardless of its cost.” See Appendix A.

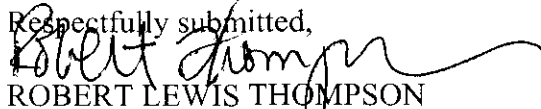
3. When each of the FCC’s four factors is considered, an exemption from the closed captioning requirements for WGEN-TV is not only warranted but, clearly, such a result would best serve the public interest. First, the extent of Sonia’s financial losses (quarter million dollar loss in only seven-month period in 2005) is such that, even assuming that the cost of acquiring and installing closed captioning equipment might amount to only a few thousand dollars, Sonia’s financial posture is so precarious that

² Appendix A was initially presented in support of Sonia’s request for waiver of the FCC’s 2005 Regulatory Fees (filed August 31, 2005). Sonia’s sworn Affidavit and attached financial information, filed with the FCC less than seven months ago, is applicable and probative here.

such a requirement must be considered to constitute an “undue burden.” See Appendix A. As for the second factor (the impact on WGEN-TV programming) requiring Sonia to fund closed captioning would be contrary to the public interest and, specifically, would likely result in further cutbacks in WGEN-TV’s local, primetime public affairs programming. See Appendix A. Third, it is indisputable that the LLC has no available financial resources. See Appendix A. Finally, it should be remembered that this licensee is engaged in “special” operations – not only full-time Spanish language programming but a unique commitment to significant local, primetime programming. The FCC recently has emphasized its core commitment to the expansion and improvement of LOCAL programming. See Notice of Inquiry, FCC 04-129, released July 1, 2004; see also www.fcc.gov/localism. Finally, Sonia is one of those rare, minority-owned American broadcasters that is stepping up to the plate for the FCC and providing the type of unique local television programming that the Commission has challenged the industry to develop. It would be a tragedy for the FCC to impose closed captioning requirements – at this point – that would further cripple those unique efforts.

CONCLUSION

The Petition for Exemption should be GRANTED for WGEN-TV-DT,
Key West, FL.

Respectfully submitted,

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March 17, 2006

Counsel for Sonia

Appendix A

AFFIDAVIT

Robin De La Pena, under penalty of perjury, declares as follows:

I am a Co-Trustee of the Sole Member of Sonia Broadcasting Co., LLC, the parent of wholly owned subsidiary Sonia Licensed Subsidiary, LLC ("Sonia LLC"), the licensee of WGEN-TV, Key West, FL ("Station").

I prepared, in consultation with Sonia LLC's certified public accountants, the Profit & Loss Statement (January through July, 2005), which is appended hereto, as Attachment 1 to Sonia LLC's Request for Waiver of 2005 Regulatory Fees and Petition to Defer Payments.

I affirm that none of Sonia LLC's principals ever has been paid salaries or any other remuneration by the LLC; and none of the expenses of Sonia LLC, as shown on Attachment 1, involves payments to principals of the LLC. In addition, this will confirm that the net loss shown on Attachment 1 is exclusive of any charges for depreciation or amortization.

Moreover, although Sonia LLC considers the public release of its federal tax returns to be unnecessary in this case, I hereby also affirm that the federal tax return filed for Sonia LLC for tax year 2004 (including the three final months of 2004 that constitute part of the federal government's fiscal year 2005) also reflects a net operating loss, exclusive of depreciation or amortization.

Finally, Sonia LLC (which became licensee of the Station only 15 months ago) has been forced to cancel certain of the Station's acclaimed local programming because of much larger than forecast losses. Indeed, the LLC was forced to create a separate license subsidiary for the Station earlier this summer, to meet the demands of a lender, who has provided funds to Sonia LLC in 2005 to sustain continued operations for the Station. The LLC is still working to reduce every expense item and further programming cutbacks may be necessary. The turnaround costs entailed in transforming a largely "infomercial-only" TV station into one that offers diverse programming (in foreign languages) are substantial; it normally takes years for such stations to achieve profitability. We greatly appreciate the FCC's giving the LLC a waiver for last year's annual FCC regulatory fees and the need for such financial relief continues this year as well.

Executed this 30th day of August, 2005.


Robin De La Pena
Co-Trustee of LLC Member

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Accrual Basis

Sonia Broadcasting Company, LLC
Profit & Loss
 January through July 2005

Attachment I

	Jan - Jul 05
Ordinary Income/Expense	
Income	
4020 - Sales	681,816.79
Total Income	681,816.79
Cost of Goods Sold	
5010 - Programming	9,000.00
Total COGS	9,000.00
Gross Profit	672,816.79
Expense	
5009 - Marketing	118,000.00
6120 - Bank Service Charges	47.00
6160 - Dues and Subscriptions	1,581.00
6200 - Interest Expense	
6225 - Note Payable Hispanic Keys	41,810.74
Total 6200 - Interest Expense	41,810.74
6230 - Licenses and Permits	4,563.00
6270 - Professional Fees	
6278 - Engineering	3,986.33
6280 - Legal Fees	35,748.89
6281 - Ratings Service	19,109.52
6650 - Accounting	5,460.00
Total 6270 - Professional Fees	64,304.74
6290 - Rent	653,281.73
6300 - Repairs	
6310 - Building Repairs	840.72
6320 - Computer Repairs	5,838.00
Total 6300 - Repairs	6,678.72
6335 - Salary	26,685.59
6550 - Office Supplies	2,427.21
6820 - Taxes	
6840 - Local	50.00
Total 6820 - Taxes	50.00
Total Expense	919,429.73
Net Ordinary Income	-246,612.94
Other Income/Expense	
Other Income	
7010 - Interest Income	316.13
Total Other Income	316.13
Net Other Income	316.13
Net Income	-246,296.81